

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

MILLIMAN, INC., MILLIMAN
SOLUTIONS, LLC, and VIGILYTICS
LLC,

Plaintiffs,

v.

GRADIENT A.I. CORP., STANFORD A.
SMITH, and SAMUEL CHASE PETTUS,

Defendants.

Civil Action No. 1:21-cv-10865-NMG

**DEFENDANTS’ ASSENTED-TO MOTION FOR LEAVE
TO FILE A REPLY BRIEF IN SUPPORT OF DEFENDANTS’
PARTIAL MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

Pursuant to Local Rule 7.1(b)(3), and this Court’s Standing Order, Defendants Gradient A.I. Corp., Stanford A. Smith, and Samuel Chase Pettus (collectively, “Gradient”) respectfully move for leave to file a short, 8-page reply brief in support of Defendants’ Partial Motion to Dismiss for Failure to State a Claim. A copy of the proposed reply brief is attached as Exhibit A. Plaintiffs Milliman, Inc., Milliman Solutions, LLC, and Vigilytics LLC (collectively, “Milliman”) have assented to this motion.

Gradient has good cause for seeking this relief from the Court. Gradient timely filed its Partial Motion to Dismiss and memorandum in support thereof on July 7, 2021. (D.I. 21; D.I. 22). Milliman sought a short extension for its Opposition, which it filed on July 26, 2021. (D.I. 26). The Opposition raises, for the first time, new legal and factual assertions relevant to the patentability of the alleged inventions claimed by the Asserted Patents. Gradient, therefore, believes that a short reply brief is necessary to correct and complete the record relevant to Gradient’s Motion and to aid the Court in its analysis of the issues and arguments presented.

WHEREFORE, Gradient respectfully requests that the Court grant leave to file a Reply Brief in Support of Defendants' Partial Motion to Dismiss for Failure to State a Claim, attached hereto as Exhibit A.

Respectfully submitted,

GRADIENT A.I. CORP., STANFORD A.
SMITH, and SAMUEL CHASE PETTUS

By their attorneys,

/s/ Michael H. Bunis

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Dated: August 3, 2021

CERTIFICATE PURSUANT TO LOCAL RULE 7.1

I hereby certify that counsel for Defendants has conferred in good faith with counsel for Plaintiffs regarding the foregoing Motion. Plaintiffs assent to this Motion.

/s/ Michael H. Bunis
Michael H. Bunis

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Michael H. Bunis
Michael H. Bunis

Dated: August 3, 2021